

ARKANSAS SUPREME COURT

No. CR 07-1267

RONALD D. McJAMES
Petitioner

v.

STATE OF ARKANSAS
Respondent

Opinion Delivered March 20, 2008

PRO SE MOTION FOR
RECONSIDERATION [CIRCUIT
COURT OF PULASKI COUNTY, CR
2002-1805]

MOTION DENIED.

PER CURIAM

Petitioner Ronald D. McJames brought a motion in this court for rule on clerk under Ark. Sup. Ct. R. 2-2, in which he contended that our clerk had erroneously refused to file a pro se pleading tendered as a petition for writ of certiorari. We held that our clerk did not err in refusing to file petitioner's petition for writ of certiorari and declined petitioner's request that we direct the clerk to accept the petition for filing. *McJames v. State*, CR 07-1267 (Ark. Jan. 24, 2008) (per curiam). Petitioner now brings this motion, which he refers to as a "notice of appeal," although he asserts error on our part in concluding that our clerk did not err to refuse to file his petition. Petitioner urges that we reconsider our decision and reach the merits of his petition for writ of certiorari.

In his new motion, petitioner argues that we have made a mistake in concluding that he had a remedy other than a writ of certiorari. He bases his argument upon his lack of access to an appeal because he entered a guilty plea and upon what he alleges is an unfair administrative procedure by the Arkansas Department of Correction that deprived him of the ability to file a petition under Ark.

R. Crim. P. 37.1 within the mandated time frame. Although petitioner may have been precluded from bringing a direct appeal or a petition under Rule 37.1 because of his actions, those remedies were nevertheless available.

It is true that under Ark. R. App. P.--Crim. 1, there is no right to appeal a guilty plea, except for a conditional plea of guilty premised on an appeal of the denial of a suppression motion pursuant to Ark. R. Crim. P. 24.3. *See Seibs v. State*, 357 Ark. 331, 166 S.W.3d 16 (2004). Petitioner had a right to go to trial and have this court review the criminal judgment against him. But, he waived that right when he entered his plea of guilty. *See Smothers v. State*, 359 Ark. 55, 194 S.W.3d 206 (2004) (per curiam).

The remedy of postconviction relief under Rule 37.1 was also available to petitioner, had he filed a meritorious petition within the required time frame. While he claims that he was prevented from exercising that right through onerous procedures implemented by the Department of Correction, other inmates routinely pursue relief under Rule 37.1, despite those procedures. Once again, the remedy was present, and petitioner was only barred from pursuing the remedy as a result of his own actions or failure to act.

As we indicated in our prior opinion, a criminal defendant has the ability to challenge the judgment against him through an appeal or postconviction relief under Rule 37.1. Extraordinary relief is not a substitute for those remedies. *See Gran v. Hale*, 294 Ark. 563, 745 S.W.2d 129 (1988). Our conclusion that petitioner had other remedies than a writ of certiorari was not in error. Because petitioner has stated no valid reason to revisit our previous decision on this issue, we deny his motion for reconsideration.

Motion denied.